

SENATE BILL No. 291

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-6-10.

Synopsis: Labeling consumer commodities. Requires a consumer commodity to display a label that indicates: (1) the country of origin where the commodity was manufactured, grown, or processed; and (2) the presence of any toxic material in the commodity. Authorizes the Indiana economic development corporation to adopt administrative rules to implement the statute. Provides that knowing or intentional violations of the statute or rules adopted under the statute are deceptive acts that may be remedied by the attorney general as other deceptive acts are remedied under Indiana law.

Effective: July 1, 2008.

Simpson

January 10, 2008, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 291

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-6-10 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]:

4 **Chapter 10. Labeling Consumer Commodities**

5 **Sec. 1. This chapter does not apply if federal law preempts the**
6 **application of this chapter in a particular case.**

7 **Sec. 2. As used in this chapter, "consumer commodity" or**
8 **"commodity" means an article that is used or bought for use**
9 **primarily for personal, family, or household purposes.**

10 **Sec. 3. As used in this chapter, "corporation" refers to the**
11 **Indiana economic development corporation.**

12 **Sec. 4. As used in this chapter, "label" means a display of**
13 **written, printed, or graphic matter on the package of a consumer**
14 **commodity.**

15 **Sec. 5. As used in this chapter, "merchant" refers to a person**
16 **who sells consumer commodities at retail.**

17 **Sec. 6. (a) As used in this chapter, "package" means a container**

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or wrapping in which a consumer commodity is enclosed for use in the delivery or display of that consumer commodity to retail purchasers.

(b) The term does not include any of the following:

(1) Shipping containers or wrappings used solely for the transportation of a consumer commodity in bulk or in quantity to manufacturers, packers, processors, wholesale distributors, or merchants.

(2) Shipping containers or outer wrappings used by merchants to ship or deliver a commodity to retail customers if the containers and wrappings bear no printed matter pertaining to a particular commodity.

Sec. 7. As used in this chapter, "toxic material" has the meaning set forth in IC 13-11-2-233.

Sec. 8. (a) A merchant may not sell a consumer commodity at retail unless the package of the commodity has a label that shows the following information:

(1) The country in which the commodity was manufactured, grown, or processed.

(2) The presence of any toxic materials in the commodity. The label must specifically identify each material that is known to be a toxic material.

(b) The label required by this section must be located in a conspicuous place as legibly, indelibly, and permanently as the nature of the consumer commodity will permit.

(c) If a merchant:

(1) receives a consumer commodity without a label indicating the information required by this section; and

(2) is unable to determine the information required by this section through reasonable inquiry;

the merchant may label the commodity with a label under subsection (d).

(d) If subsection (c) applies, a merchant may label a commodity with a label that contains the following statement (whichever is applicable):

(1) "Country of origin unknown".

(2) "Presence of toxic materials unknown".

(3) "List of toxic materials may be incomplete". A label may carry this designation only if the label lists the presence of at least one (1) toxic material.

(4) Any combination of applicable statements listed in subdivisions (1) through (3).

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1 **Sec. 9. (a) The corporation may adopt rules under IC 4-22-2 to**
2 **administer this chapter, including rules to specify the means by**
3 **which various consumer commodities may be labeled under this**
4 **chapter.**

5 **(b) Rules adopted under this section may not unduly restrict a**
6 **person from conducting business.**

7 **Sec. 10. A merchant who knowingly or intentionally violates this**
8 **chapter or rules adopted under this chapter commits a deceptive**
9 **act that is actionable by the attorney general or by a purchaser of**
10 **the consumer commodity under IC 24-5-0.5, and is subject to the**
11 **penalties set forth in that chapter.**

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